

United States Court of Appeals
For the Seventh Circuit
Chicago, Illinois 60604

Submitted October 25, 2005
Decided October 28, 2005

Before

Hon. FRANK H. EASTERBROOK, Circuit Judge

Hon. DANIEL A. MANION, Circuit Judge

Hon. ILANA DIAMOND ROVNER, Circuit Judge

CAROLYN S. FAIN,
Plaintiff-Appellant,

No. 05-2141 **v.**

WAYNE COUNTY AUDITOR'S OFFICE,
Defendant-Appellee.

} Appeal from the United
States District Court
for the Southern
District of Indiana,
Indianapolis Division.

} No. 00 C 385
Larry J. McKinney,
Chief Judge.

Order

On remand from our decision of last fall, a jury trial was held and the jury returned a verdict for the defendant.

Plaintiff does not contend that any error occurred in the handling of the evidence or the instructions to the jury. She contends that she is entitled to another trial nonetheless because one of the jurors revealed information that may have led to witness tampering. That contention was never presented to the district court, so it has been forfeited. Moreover, it is not based on any evidence of record, and plaintiff's brief does not contain any citations to evidence (even to a post-trial affidavit) that would support her contentions.

The juror in question did mention the litigation to his wife. The district judge held a brief *voir dire* and inquired exactly what had been said (the juror expressed surprise that he had been chosen to serve, as he knows the plaintiff). The judge asked whether the juror had said anything else to anyone else; he replied that he had not. Counsel for the plaintiff accepted this answer and did not ask that the juror be replaced. Nothing more was said until plaintiff's appellate brief, and as we have observed the record contains no evidence suggesting that any improprieties have occurred.

Affirmed